

**CITY OF OREM
PLANNING COMMISSION MEETING MINUTES
SEPTEMBER 2, 2015**

The following items are discussed in these minutes:

**PLAZA 880 SUBDIVISION – APPROVED
ZOA PD-18 ZONE – RECOMMENDED APPROVAL
ZOA APPENDIX A – RECOMMENDED APPROVAL
GPA LDR TO MDR – CONTINUED**

STUDY SESSION

PLACE – Orem City Main Conference Room

At 3:30 p.m. Chair Moulton called the Study Session to order.

Those present: Carl Cook, Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, and David Moulton, Planning Commission members; Bill D. Bell, Development Services Director; Jason W. Bench, Planning Director; David R. Stroud, City, Planner; Clinton Spencer, GIS Planner; Brandon Stocksdales, Planner; Sam Kelly, City Engineer; Cliff Peterson, Private Development Engineer; Paul Goodrich, Transportation Engineer; Steve Earl, Legal Counsel; and Loriann Merritt, Minutes Secretary

Those excused: Michael Walker, Planning Commission member; David Spencer, City Council Liaison

The Commission and staff briefly reviewed agenda items and minutes from August 19, 2015 meeting and adjourned at 4:25 p.m. to the City Council Chambers for the regular meeting.

REGULAR MEETING

PLACE - Orem City Council Chambers

At 4:30 p.m. Chair Moulton called the Planning Commission meeting to order and asked, Planning Commission member, to offer the invocation.

Those present: Carl Cook, Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, and David Moulton, Planning Commission members; Bill D. Bell, Development Services Director; Jason W. Bench, Planning Director; David R. Stroud, City, Planner; Clinton Spencer, GIS Planner; Brandon Stocksdales, Planner; Sam Kelly, City Engineer; Paul Goodrich, Transportation Engineer; Steve Earl, Legal Counsel; David Spencer, City Council Liaison and Loriann Merritt, Minutes Secretary

Those excused: Michael Walker, Planning Commission member;

Chair Moulton introduced **AGENDA ITEM 3.1** as follows:

AGENDA ITEM 3.1 is a request by Dan Kohler to vacate Lot 1 of Macey's Plat A Amended Subdivision and approve the final plat of Plaza 880 Subdivision, Plat A at 800 North State Street in the C2 zone.

Staff Presentation: Mr. Spencer said the applicant is proposing to create a four (4) lot subdivision. The property includes the Macey's grocery store and the recently approved Starbucks building as well as the property south of these buildings adjacent to 800 North.

Each lot meets the minimum code requirements for size, which is 7,000 square feet in the C2 zone. The lot size of Lot 102 is equal to the minimum requirement, while Lots 101, 103 and 104 exceed the minimum. All existing access easements are maintained with the proposed subdivision and new easements for utilities

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specific to the Starbucks site are included with the proposed subdivision. All buildings meet the required setbacks with the proposed subdivision.

Recommendation: Based on the compliance with all applicable City codes staff recommends the Planning Commission vacate Lot 1 of Macey’s Plat A Amended Subdivision, and approve the final plat of Plaza 880 Subdivision, Plat A, at 800 North State Street in the C2 Zone.

Chair Moulton asked if the Planning Commission had any questions for Mr. Spencer.

Ms. Larsen asked if the parking is contained within in this site plan. Mr. Spencer said there are cross easement agreements to make sure there is enough overall parking, The Starbuck site has enough parking.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

When no one came forward, Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

Planning Commission Action: Ms. Buxton said she has found that neither the public nor any person will be materially injured by vacating Lot 1 of Macey’s Subdivision, Plat A Amended and that there is good cause for the vacation. She then moved to:

1. Vacate Lot 1 of Macey’s Subdivision, Plat A Amended; and
2. Approve the final plat of Plaza 880 Subdivision with four lots at 800 North State Street.

Mr. Cook seconded the motion. Those voting aye: Carl Cook, Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, and David Moulton. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.2** as follows:

AGENDA ITEM 3.2 is a request by Scott Sykes to **AMEND THE APPENDIX OF THE OREM CITY CODE BY ENACTING APPENDIX PP AND AMENDING SECTION 22-11-30 OF THE OREM CITY CODE BY ENACTING SUBSECTION (Q) AS IT RELATES TO GRADING REQUIREMENTS IN THE PD-18 ZONE** at 1300 South Carterville Road.

Staff Presentation: The applicant recently was granted approval of The Berkshires Subdivision Plat S which was recorded by Utah County in August 2015. The plat contains nine lots with a few of those lots having areas of slope greater than 35 percent. The Code prohibits slope areas greater than 35 percent from disturbance. The lots that have this grading issue are buildable but the applicant asks for a change to the Code to allow grading of these slopes to better utilize the lots.



The slope ordinance was initiated to protect those areas of 35 percent or greater slope. Grading steep slopes can cause instability and other issues such as slides and creep. The typical location of these slopes is areas along the bench and river bottom areas but can be found elsewhere in the City. The applicant’s property is isolated and bordered on three sides by roads and low density residential development. The grading of the property will not affect adjacent properties. The proposed text amendment will only apply to Area B as shown

in Appendix PP.

The text modification allows for more flexibility for the lot owner to grade their lot in the area where the slope exceeds 35%. The text asks for any slopes greater than 25% to have a geotechnical report as well as a

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geologic report to identify soil strength, soil characteristics, ground water, etc. The report will also include slope stability analysis, seismic slope stability and measures taken to effectively build/grade the site.

The text also outlines factors of safety, as well as design criteria that need to be included in the design for any mitigation of the slopes greater than 25%.

The City Engineer will be the approving authority for the grading permit.

Mr. Kelly said if a developer or a homeowner comes in and builds on a sloped lot, and if the slope is over 25%, then they will have to hire a geotechnical engineer along with a geologist and do a study for that lot. This process is to determine if there are any faults in the area, what is the soil classification, and the different types of soils. They will take that information and look at how they would apply the home being built on that property and offer recommendations on compaction and the soil/slope stability. It requires the homeowner to do a lot of work ahead of time to make sure the home they build is safe for them, and also the adjacent owners.

Advantages

- Allows full use of the approved lots
- Does not affect any property outside the subdivision
- Areas of disturbance are relatively small
- Amendment is limited to a small area of the PD-18 zone in The Berkshires

Disadvantages

- None identified

Recommendation: The Development Review Committee recommends the Planning Commission forward a positive recommendation to the City Council to amend the Appendix of the Orem City Code by enacting Appendix PP and amend Section 22-11-30 by enacting subsection (Q) of the PD-18 zone at 1300 South Carterville Road.

Chair Moulton asked if the Planning Commission had any questions for Mr. Stroud.

Mr. Cook asked if there are lots in Area A that have slopes. Mr. Stroud said that most of Area A is already built and do not have a major slope issue.

Mr. Earl said this is a test case to see how well it works. If it works well, this standard may be applied at other areas in the City.

Chair Moulton asked how a soil study is done. Mr. Kelly said in some cases they core down and get a sample of the soil. If there is a possibility of a fault, they may excavate more in order to find it. There will be enough excavation to ensure that the findings are correct. In this area, they do not see too many issues for faults, etc. They are confident in this and are looking at applying certain components citywide, after seeing how this works out. They are going to do a sensitive slope analysis throughout the City. There are vacant parcels that are on slopes that exceed 35% and are still within the original hillside ordinance. The main reason for the text amendment is to allow developers more flexibility. Since the hillside ordinance was instituted there have been some great improvements in slope stability.

Mr. Cook asked if this could include a homeowner coming in to mitigate some issue or problem in order to build on a steeper slope. Mr. Kelly said yes as long as they meet the outlined criteria.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

When no one came forward, Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

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Planning Commission Action: Mr. Cook said he is satisfied that the Planning Commission has found this request complies with all applicable City codes. He then moved to recommend the City Council amend Section 22-11-30 of the Orem City Code by enacting subsection (Q) as it relates to grading requirements in the PD-18 zone at 1300 South Carterville Road. Ms. Jeffreys seconded the motion. Those voting aye: Carl Cook, Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, and David Moulton. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.3** as follows:

AGENDA ITEM 3.3 is a request by Development Services to **AMEND APPENDIX A OF THE OREM CITY CODE AS IT PERTAINS TO STANDARD LAND USES IN VARIOUS ZONES.**

Staff Presentation: Mr. Stroud said the State Street Plan has prompted staff to look at uses in the C2 zone and recommend changes. While looking at the current C2 uses, it became evident that changes in the C2 zone would cause changes to uses in other zones.

Staff has drafted a proposal to eliminate a few uses from the C2 zone which is “established to promote commercial and service uses for general community shopping.” The majority of the C2 zone in the City is located along State Street, which serves as a major north-south commercial corridor in Utah Valley. Portions of State Street see up to 2,100 cars per hour. With the State Street study near completion, uses along State Street, with a majority of C2 zoning, have been reviewed and a proposal made to eliminate some uses from the State Street corridor. The proposal removes uses or adds uses in the C2 zone as well as other zones.

Uses such as SLU 4110, *Intermodal*, has been added as a permitted use in the C2 zone while other uses such as SLU 5251, *Farm Equipment*, and SLU 2190, *Ice Manufacturing*, have been removed. The C2 zone allows many types of uses. Most of the uses are not proposed to be changed. Of those that are proposed to be changed, only a few are licensed in the C2 zone. A review of current business licenses shows nine businesses that will be affected by this change. Those businesses are (SLU code and permitted zone):

Wind Ridge Cabinets (SLU 2431 – M1, M2, CM)
Wasatch Laminate (SLU 2431 – M1, M2, CM)
Convicted Ink Tattoo (SLU 6232 – M1, M2)
Forever Yours Tattoo (SLU 6232 – M1, M2)
Arcane Art Tattoo (SLU 6232 – M1, M2)
High Horizon Self Storage (SLU 6372*– M1, M2, CM)
Bongo’s Dog Resort (SLU 6517 – M1, M2)
Siggy’s Paradise (SLU 6517 – M1, M2)
Nyman Ski and Snowboard Rental (SLU 7412** – eliminated)

*To change from SLU 6370

**Added to Code while Cascade Golf Course was in operation

The businesses listed above all have a current business license or are in the process of license renewal. If the City Council makes the change as proposed, all affected business may still operate so long as the business is not vacated for a period of more than one year. They will continue to operate as a legal non-conforming business. However, as a legal non-conforming business, expansion is not permitted. As an example, if Wind Ridge Cabinets wanted to expand into the vacant tenant space next door, they will not be able to do so as this increases the legal non-conforming use. Any affected business may continue to operate in their existing square footage at the time of the Code change and may continue to operate so long as they maintain their business license and do not cease operations for more than one year.

Advantages

- Removes businesses that may not be compatible with the vision of the State Street Plan
- Business can still operate and are not required to cease operations

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Disadvantages

- A business cannot expand operations

Recommendation: The Development Review Committee recommends the Planning Commission forward a positive recommendation to the City Council to amend Section Appendix A as it pertains to various uses.

Chair Moulton asked if the Planning Commission had any questions for Mr. Stroud.

Vice Chair Iglesias said it is a good idea and will improve the look of State Street in the future. Mr. Stroud said that State Street and University Parkway are the two commercial corridors and generates the most sales tax. If this goes through, the current businesses will be able to continue operation for as long as they want. The big stipulation is that they cannot expand their business.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

Brent Belliston said he is the owner of the storage units at 130 South State Street, Orem. He has been there for many years. There is a great need for storage units for businesses and individuals. They would love to have their options left open to expand. The cabinet maker, furniture repairs and ski rentals should be allowed along State Street. He noted that anything that adds to the service industry should centrally located.

Mr. Stroud said currently, storage units are not permitted in the C2 zone. They are grouped under a different category called Person Storage Units and still not permitted.

Scott Nyman, Nyman Ski shop, said he received a notice, but other ski shops on State Street were not notified. Mr. Stroud said this ski shop was noticed because they were tied in with the golf course, which is not in operation. Nyman Ski shop can continue to operate every season would not be able to expand. The other ski shops on State Street are allowed in the C2 zone, which is already a permitted use.

Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff.

Ms. Larsen asked what 6370 Office Warehousing is. Mr. Stroud said there are businesses that have warehousing tied to the business. It is not a big shell built for storage. Storage units were classified under warehousing/storage, this is making things more specific.

Ms. Larsen asked about the property near the old golf course. Mr. Stroud said it is zoned residential. He noted that the old pro shop is where the ski rental is run and that can continue as long as they have a business license.

Chair Moulton called for a motion on this item.

Planning Commission Action: Vice Chair Iglesias said he is satisfied that the Planning Commission has found this request complies with all applicable City codes. He then moved to recommend the City Council amend Appendix A of the Orem City Code as it pertains to uses in various zones. Ms. Buxton seconded the motion. Those voting aye: Carl Cook, Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, and David Moulton. The motion passed unanimously.

MINUTES: The Planning Commission reviewed the minutes from the previous meeting. Chair Moulton then called for a motion to approve the minutes of August 19, 2015. Ms. Larsen moved to approve the meeting minutes for August 19, 2015. Chair Moulton seconded the motion. Those voting aye: Carl Cook, Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, and David Moulton. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 4.1** as follows:

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AGENDA ITEM 4.1 is a request to amend the **GENERAL PLAN LAND USE MAP BY CHANGING THE DESIGNATION FROM LOW DENSITY RESIDENTIAL (LDR) TO MEDIUM DENSITY RESIDENTIAL (MDR) ON 0.34 ACRES** at 1750 South 50 East in the R5 zone.

Staff Presentation: This item is being continued.

Planning Commission Action: Chair Moulton moved to continue this item. Ms. Larsen seconded the motion. Those voting aye: Carl Cook, Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, and David Moulton. The motion passed unanimously.

ADJOURN: Chair Moulton moved to adjourn. Vice Chair Iglesias seconded the motion. Those voting aye: Carl Cook, Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, and David Moulton. The motion passed unanimously.

Adjourn: 5:01 p.m.

Jason Bench
Planning Commission Secretary

Approved: September 16, 2015